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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

ALMONT AMBULATORY SURGERY CENTER, LLC, a California limited liability company, et al., Plaintiffs, v. UNITEDHEALTH GROUP, INC.; UNITED HEALTHCARE SERVICES, INC., UNITED HEALTHCARE INSURANCE COMPANY; OPTUMINSIGHT, INC., and DOES 1 through 20, Defendants.	Case No. 2:14-cv-03053-MWF(VBKx) Hon. Michael W. Fitzgerald [Related to Case No. 2:14-cv-02139] **DECLARATION OF CHARLES L. KREINDLER IN SUPPORT OF COUNTERCLAIM DEFENDANTS' MOTION FOR AN ORDER:** **(1) RELEASING TO COUNTERCLAIM DEFENDANTS ONLY FOR *IN CAMERA* REVIEW AFFIDAVITS FILED UNDER SEAL IN SUPPORT OF WARRANTS; OR** **(2) IN THE ALTERNATIVE.**

UNITED HEALTHCARE SERVICES, INC., UNITED HEALTHCARE INSURANCE COMPANY; OPTUMINSIGHT, INC., Counterclaim Plaintiffs, v. ALMONT AMBULATORY SURGERY CENTER, LLC, a California limited liability company; et al., Counterclaim Defendants.	**RECUSING MAGISTRATE JUDGE** [Exhibit A to be filed under seal] Hearing Date: Monday, February 2, 2015 Time: 10:00 a.m. Courtroom: 1600, 16th Floor, 312 N. Spring Street Discovery Cutoff: None Set Pretrial Conference Date: None Set Trial Date: None Set

DECLARATION OF CHARLES L. KREINDLER

I, Charles L. Kreindler, declare as follows:

1. I am an attorney licensed to practice in the State of California and am admitted in the Central District of California. I am a member of the law of Sheppard, Mullin, Richter & Hampton LLP, counsel of record in this action for Individual Counterclaim Defendants Michael Omidi, M.D. and Julian Omidi. The Individual Counterclaim Defendants and entities that are Plaintiffs and Counterclaim Defendants in this action and Plaintiffs in Case No. 2:14-cv-02139, to which this action is related (collectively "Counterclaim Defendants") are also under criminal investigation. That investigation is being led by the United States Attorney's Office, Central District of California. I am involved in the representation of various Counterclaim Defendants in connection with that investigation. I have personal knowledge of the facts alleged herein and could competently testify thereto, if called to do so.

2. On December 12, 2014, I appeared before Magistrate Judge Victor B. Kenton at a discovery hearing in this action. At that hearing, Magistrate Judge Kenton stated on the record that he would "likely" recuse himself should Counterclaim Defendants move for his recusal because he had issued warrants in connection with the ongoing criminal investigation of various Counterclaim Defendants. During the hearing, Magistrate Judge Kenton acknowledged that he become privy to the contents of the Government's affidavits filed under seal in support. Attached as Exhibit A hereto is a true and correct copy of the unredacted transcript of the December 12, 2014 hearing. (*See* pp. 17:25-20:22.) The warrants Magistrate Kenton issued were executed in 2014.

3. Counterclaim Defendants and their counsel (in this action and the criminal investigation) do not know what is in the affidavits filed under seal in support of the warrants. Counterclaim Defendants and their counsel believe that they cannot make a fully informed determination regarding the necessity for recusal

of Magistrate Judge Kenton without knowing what information he was exposed to in the Government's affidavits.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed January 5, 2015, at Los Angeles, California.

Charles L. Kreindler

EXHIBIT A

FILED UNDER SEAL